

CHAPTER II

Proposal Format and Submission Requirements

NOTE: *Proposals that deviate substantially from these guidelines or that omit required information may be found unresponsive and may not be considered for funding.*

A. Proposal Format for Submission to Gates 1 and 2

1. **Bindings.** Bind all (including signed original) but one copy of the proposal securely. Bindings that permit the proposal to lie flat while being read are preferred. Loose-leaf ring binders or stapled copies are **not** acceptable. If you are submitting proposals electronically, paper copies are not required.
2. **Double-sided copy.** Print on both sides of the paper (front to back counts as two pages).
3. **E-mail proposal submissions.** Will **not** be accepted.
4. **Facsimile (fax) proposal submissions.** Will **not** be accepted.
5. **Font.** Times New Roman or Arial and readable (12-point minimum).
6. **Line spacing.** Single.
7. **Margins.** 1 inch top, bottom, left, and right.
8. **Number of copies.** 16 (1 original, signed, bound proposal plus 15 copies [1 unbound and 14 bound]). If the original proposal is in color, all copies must also be in color. If the proposal is submitted electronically, paper copies are not required.
9. **Page limit.** 24 pages for Gate 1 and 15 pages for Gate 2 for a single company; 35 pages for Gate 1 and 20 pages for Gate 2 for a joint venture. See **Exhibit 1** for more details.
10. **Page numbering.** Number pages sequentially.
11. **Paper size.** 21.6 by 27.9 centimeters (8½ by 11 inches).
12. **Proposal language.** English.
13. **References.** Include a list of bibliographic technical references in Gate 1 and a list of bibliographic references supporting business assertions or data in Gate 2.
14. **Table of abbreviations.** Include a table that defines abbreviations likely to be unfamiliar to the reader. Common abbreviations, for example, U.S., ATP, DoD, and cm, need not be defined.
15. **Table of contents.** Not required.
16. **Typed document.** All proposals, including forms, must be typed; handwritten proposals and forms will **not** be accepted.
17. **Use of metric/system international (SI) units.** Use metric/SI units; however, English units may be put in parentheses.



B. Electronic Proposal Submission

During open competitions, ATP encourages proposers to submit proposals electronically over the Internet via ATP's secure Electronic Submission System (ESS) (<http://ess.atp.nist.gov>). ESS includes all forms necessary for submitting proposals electronically, as described in this *Proposal Preparation Kit*, a downloadable Forms Viewer for filling out the forms and submitting the proposal, and a link to the application for an Access Certificates for Electronic Services (ACES) Digital Certificate.

Proposals submitted through ESS must be digitally signed using an ACES Business Representative Digital Certificate. These certificates can be obtained at no cost to the proposer, but the proposer must allow 7–10 business days between application and issuance of the certificate for identity verification. Once the digital certification is obtained, it is valid for 2 years.

The electronic proposal forms look the same as their paper counterparts. The electronic proposal attachment(s) (e.g., proposal narrative) must be readable in one of the formats described on the ESS website. The guidelines for preparing an ATP proposal are the same, except that displays, graphics, figures, and diagrams must be embedded within the file containing the project narrative. Format requirements (e.g., font, line spacing, margin, page limit, page numbering, and page size), stipulated in Section A of this chapter still apply. The ATP ESS website provides details about how to submit proposals electronically, including the following:

1. Steps to submit
2. System requirements
3. Security of the ESS

4. Frequently Asked Questions
5. ESS User's Guide

ESS also provides proposer tools needed to submit electronically, including the following:

1. Link to the ACES Digital Certificate Application
2. Downloadable Forms Viewer
3. Downloadable electronic forms

The due date for submission of electronic proposals is stipulated in the competition announcement published in the *Federal Register* and posted on the ATP website (<http://www.atp.nist.gov>). **Do not wait until the last minute to submit a proposal electronically.**

C. Documentation Requirements for Gates 1 and 2 Proposal, Unless Otherwise Specified

(Forms are included in this *Proposal Preparation Kit* as exhibits and are posted on the ATP website at <http://www.atp.nist.gov/atp/helpful.htm>.)

1. Single Company Only

- a. **Form NIST-1262 (Pages 1 & 2): Single-Company Advanced Technology Program Proposal Cover Sheet (see Exhibit 3).**
Page 1 of this form serves as the cover for the proposal; no other cover page should be included.
- b. **Form NIST-1262 (Page 3): Estimated Multi-Year Budget—Single Company (see Exhibit 4).**

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- c. **Form NIST-1262 (Page 4): Subcontracts** (see Exhibit 5).

2. Joint Venture Only

- a. **Form NIST-1263 (Pages 1 & 2): Joint Venture Advanced Technology Program Proposal Cover Sheet** (see Exhibit 6).
Page 1 of this form serves as the cover for the proposal; no other cover page should be included.
- b. **Form NIST-1263 (Page 3): Estimated Multi-Year Budget—Joint Venture** (see Exhibit 7).
- c. **Form NIST-1263 (Page 4): Other Joint Venture Participants** (see Exhibit 8).
- d. **NIST-1263 (Page 5): Subcontracts** (see Exhibit 9).

- e. **Joint Venture Agreement (for Gate 3 submission)**—A draft Joint Venture Agreement must be submitted before an oral review. The information below is provided in advance to alert joint venture participants of the minimum requirements so that the parties may begin negotiating the Joint Venture Agreement early:

- (1) Authorization for one of the joint venture participants (a legal entity, not an individual person) to serve as the Joint Venture Administrator to bind all of the other participants to the terms and conditions of the NIST/ATP award and to administer the NIST/ATP award on behalf of all of the participants.
- (2) Treatment of intellectual property—that is, who will own what, including provisions granting the required licenses to the government.
- (3) Agreement that the ATP award terms and conditions take priority over those in the Joint Venture Agreement.

- (4) Acknowledgment of the parties of their respective cost-sharing commitment and that no party is responsible for the cost-sharing commitment of any other party.
- (5) Acknowledgment that if a party is removed unilaterally by the NIST Grants Officer, that party is also removed from the Joint Venture Agreement.

Although the draft Joint Venture Agreement need not be signed at the time of an oral review, it must be finalized and signed by all joint venture participants **before an award can be made**. A sample Joint Venture Agreement and Intellectual Property Plan is available on the ATP website (<http://www.atp.nist.gov/atp/jvsample.htm>). The sample Joint Venture Agreement includes important information; however, it is not meant to be the sole Joint Venture Agreement model. If a joint venture wants to develop its own Joint Venture Agreement, it may do so, provided the minimum provisions mentioned above are included.

Some issues that are most often raised by company legal counsel in negotiating the Joint Venture Agreement include the following:

- (1) Who will hold title to intellectual property?
- (2) How are revenue streams to be divided?
- (3) What indemnification provisions will be acceptable to all parties?
- (4) Who will be the spokesperson for the joint venture?
- (5) Who authorizes licensing agreements?
- (6) Who handles the billing to NIST and brings issues to NIST's attention?
- (7) What will happen during the course of the project if one party drops out and/or another party wishes to join?



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- (8) Who will coordinate writing the quarterly reports to be submitted to NIST/ATP?
- (9) Who will track progress against technical milestones to bring issues to the attention of the joint venture and NIST/ATP?
- (10) In what capacity is a government laboratory participating? If as a joint venture partner, is the government laboratory willing to execute the Joint Venture Agreement? (NOTE: If it is not willing to execute the Joint Venture Agreement, the government laboratory may participate as a subcontractor under a separate agreement [e.g., a CRADA] with the Joint Venture Administrator.)
- (11) How will disputes be handled should they arise?
- (12) How will project expenses be reported by joint venture participants to the Joint Venture Administrator for reporting to NIST?
- (13) Will the joint venture participants be required/need to share commercialization strategies? At what level of detail to succeed?

Before investing a large effort in planning technical work for a joint venture, companies are urged to obtain a legal review of the sample Joint Venture Agreement by all participants. If it appears likely that reaching an agreement to the provisions contained in the sample Joint Venture Agreement and Intellectual Property Plan will be contentious, ATP urges you to carefully consider whether the joint venture is feasible. If there are questions, your legal staff may contact the Office of the NIST Counsel at 301-975-2803.

ATP strongly recommends that the person who signs the proposal submission be someone at a high enough level in the company to be able to deal effectively with the kinds of legal and policy concerns that are necessary to execute

a successful Joint Venture Agreement. It is often helpful if this same individual signs the Joint Venture Agreement on behalf of the lead company if the project is selected for funding. This individual must coordinate with top management within his/her own company and participating companies/organizations about their commitment and proposed cost-share contribution to the proposed project.

3. Both Single Company and Joint Venture

- a. **Budget Narrative (see Exhibit 10) (for Gate 2 submission).** The Budget Narrative is used by technical, business, and grants staff to determine reasonableness and allowability of costs in an ATP proposal. Proposed costs must be reasonable, allocable, and allowable in accordance with applicable federal cost principles and ATP guidelines.

ATP recognizes that unexpected events may occur in R&D projects and that budgets may need to be changed as a project proceeds. Providing a multi-year budget beyond the first year will not lock the proposal into those details. ATP allows a certain amount of flexibility in moving funds from one line item to another as circumstances change. In stating an amount for a given task, you will not be required to spend precisely that amount on that task. For example, if, in the second or third year of your project, you find that you need to spend more on one task and less on another than anticipated, that can be accommodated as long as you obtain the required prior approval from the NIST Grants Officer. A task that proves unnecessary can be deleted and a new task can be defined if there is adequate justification that such changes will enhance the chances of accomplishing the objectives of the project and the spirit of the original proposal objective is maintained.



Recognizing that change is inevitable, recipients may be requested to submit a revised budget prior to the beginning of each year of a multi-year project. However, the total amount provided by ATP for the project cannot be increased. You will **not** be reimbursed for project overruns. Overestimating or underestimating project costs should be avoided. The dollar amount requested must be commensurate with the defined tasks, as ATP will evaluate for cost reasonableness.

- b. **Foreign-Owned Company Questionnaire (see Exhibit 11) (for Gate 2 submission)**, if the recipient, including any joint venture participant, is foreign owned.
- c. **R&D Work Performed Outside the United States by the Recipient or Subcontractor Questionnaire (see Exhibit 12) (for Gate 1 submission)**, if the recipient, including any joint venture participant, or subcontractor will perform work outside the United States.